

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BLUE BELL INN, INC.)	
601 Skippack Pike)	
Blue Bell, PA 19422,)	
Plaintiff,)	
)	
v.)	02-CV-4068 JF
)	
ANDREW KAMARATOS and)	
AGGI, L.P., d/b/a BLUE BELL DINER,)	
1324 Skippack Pike)	
Blue Bell, PA 19422,)	
Defendants.)	
	x	

PLAINTIFF'S RESPONSE TO DEFENDANTS' AFFIRMATIVE DEFENSES

Plaintiff, BLUE BELL INN, INC., through its undersigned counsel, by way of response to Defendants, ANDREW KAMARATOS and AGGI, L.P.'s, Affirmative Defenses in this action, states as follows:

First Affirmative Defense: Plaintiff's Complaint fails to state a claim upon which relief may be granted.

Response. Denied.

Second Affirmative Defense: The claims asserted in the Complaint are barred by the applicable statutes of limitation.

Response. Denied.

Third Affirmative Defense: The claims asserted in the Complaint are barred by the doctrine of laches.

Response. Denied.

Fourth Affirmative Defense: The claims asserted in the Complaint are barred by the doctrine of estoppel.

Response. Denied.

Fifth Affirmative Defense: The claims asserted in the Complaint are barred by the doctrine of waiver.

Response. Denied.

Sixth Affirmative Defense: The claims asserted in the Complaint are barred by the doctrine of copyright.

Response. Denied.

Seventh Affirmative Defense: The claims asserted in the Complaint are limited as Defendant acted in good faith and without malice.

Response. Denied.

Eighth Affirmative Defense: The claims asserted in the Complaint are barred, wholly or in part, because Plaintiff lacks standing to assert the claims set forth in the Complaint.

Response. Denied.

Ninth Affirmative Defense: The claims asserted in the Complaint are barred because Plaintiff has failed to mitigate their damages, if any.

Response. Denied.

Tenth Affirmative Defense: Defendants' actions were privileged and/or justified.

Response. Denied.

Eleventh Affirmative Defense: Plaintiff comes to the Court with unclean hands.

Response. Denied.

Twelfth Affirmative Defense: Plaintiff's claims are barred because Defendants' actions were justified.

Response. Denied.

Thirteenth Affirmative Defense: The provisions of the Lanham Trademark Act, §43, U.S.C. 1125(a) do not cover and were not intended to apply to Plaintiff's claims in this action.

Response. Denied.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to defendants' counsel, Joseph T. Piscitello, Esquire, 1735 Market Street, Suite 1330, Philadelphia, PA 19103 on September 12, 2002.

Respectfully submitted,

BLUE BELL INN, INC.

By _____
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